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| 10/782,409 | 02/18/2004 | Alan Eddleston | 58290-36 | 4339 |
| 22504 | 7590 | 01/02/2008 | | |
| DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045 | | | EXAMINER BUI, LUAN KIM | |
| | | | ART UNIT 3728 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/782,409

Applicant(s)

EDDLESTON ET AL.

Examiner

Luan K. Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Prosecution Application

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/29/2007 has been entered.

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

2. The specification is objected to under 37 CFR 1.71, as the specification, as originally filed, does not provide support for the new matter as now claimed. The specification as filed does not provide support for "an attachment portion having an opening" and "a connector panel

secured to the attachment portion of the second end and closing the opening of the attachment portion” as in claim 14, because the specification and the drawings do not show an attachment having an opening and a connector panel secured to the attachment portion of the second end and closing the opening of the attachment portion (see the description of Fig. 1 on page 6).

3. Claim 14 is rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 and 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases “being configured to provide ... from the recessed portion” in claim 1, “being configured to provide ... secured on the end” in claim 8, “being configured to provide ... the exterior of the case” in claim 12 and “being configured ... of the case” are vague, confusion and indefinite because these phrases have no clear meaning as to how the connector panel is configured as claimed? In claim 7, the phrase "closes the recessed portion of the first end" is inaccurate and indefinite because if the connector panel closed the recessed portion then there is no recessed portion as claimed in claim 1. In claim 12, the phrase "closed by the connector panel" is inaccurate and indefinite for the same reason with respect to claim 7 as set forth above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

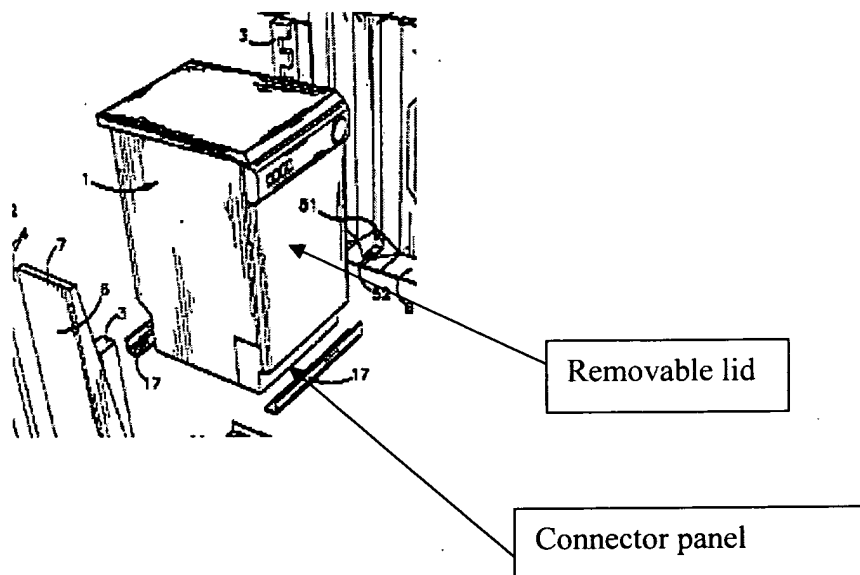
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 7, 8 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (6,879,483; hereinafter Johnson'483). To the extent that the Examiner can determine the scope of the claims, Johnson'483 discloses a case comprising an outer profile (Figure 4), a body tube (32, 34, 36, 38, 42, 46) having a first end and an interior with the first end having a recessed portion (40, Figures 4 and 7) recessed relative to the outer profile of the case, a removable lid (60) configured to be removably attached to a portion of the first end (column 5, lines 48-50) spaced from the recessed portion and a connector panel (76) secured to the recessed portion of the first end of the body tube. The case of Johnson'483 is inherently capable of using as a rack mounted equipment and the connector panel is inherently capable to provide an electrical connection between the at least one piece of rack mounted equipment housed within the interior of the body tube and at least one electrical component that is external to the case when the removable lid is attached to the portion of the first end spaced from the recessed portion.

As to claim 8, Johnson'483 discloses the connector panel on the same end that is recessed relative to the removable lid.

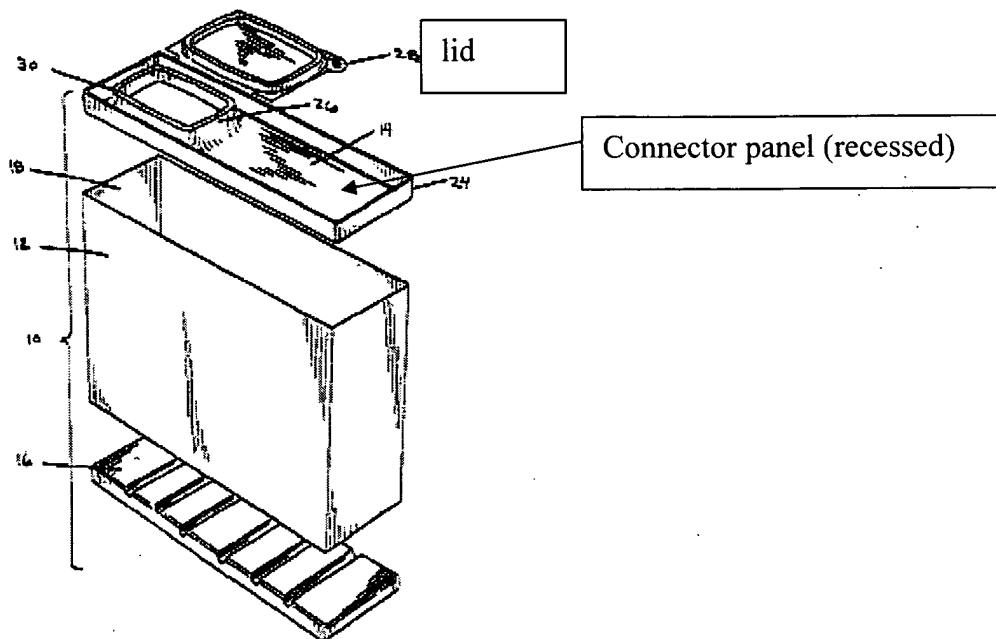
As to claims 12 and 14, Johnson'483 discloses the case comprising an interior, an exterior, a first end having an open first portion closed by a removable lid (60) and a second portion located alongside the first portion and closed by the connector panel.

8. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Traina (5,249,678). Traina discloses a case (1) comprising a removable lid configured to be secured on an end (at the front of the case) and a connector panel (below the lid) on the same end that is recessed relative to the removable lid. The connector panel of Traina is inherently capable to provide an electrical connection between a piece of rack mounted equipment inside the case and an electrical component located outside the case.



9. Claims 1-4, 7-9 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miess (2002/0148886). To the extent that the Examiner can determine the scope of the claims, Miess discloses a case comprising an outer profile (Figures 1-2), a body tube (12, 24) having a first end and an interior with the first end having a recessed portion (see below) recessed relative to the outer profile of the case, a removable lid (28) configured to be removably attached to a portion of the first end spaced from the recessed portion and a connector panel (see below) secured to the recessed portion of the first end of the body tube. The case of Miess is inherently capable of using as a rack mounted equipment and the connector panel is inherently capable to provide an electrical connection between the at least one piece of rack mounted equipment housed within the interior of the body tube and at least one electrical component that is external to the case when the removable lid is attached to the portion of the first end spaced from the recessed portion.

As to claim 4, Miess further discloses the body tube comprises a second end and a removable lid (16) on the second end.



Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (6,879,483; hereinafter Johnson'483) in view of Peterson et al. (4,488,468; hereinafter Peterson'468). Johnson'483 discloses the case as above having all the limitations of the claims except for the body tube comprises a second end and a removable lid on the second end.

Peterson'468 shows a case (10) comprising a first end with a removable lid (34) and a second end with a removable lid (22). It would have been obvious to one having ordinary skill in the art in view of Peterson'468 to modify the case of Johnson'483 so the second end of the case includes a removable lid to facilitate accessing the contents within the case.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (6,879,483; hereinafter Johnson'483) in view of Becklin (3,482,895). Johnson'483 discloses the case as above having all the limitations of the claims except for the case comprises a plurality of feet and a plurality of feet locators.

Becklin shows a case comprising a plurality of feet (34) located on a bottom surface of the case and a plurality of feet locators (32) position on a top surface of the case and each foot locator being shaped to nest within a respective foot. It would have been obvious to one having ordinary skill in the art in view of Becklin to modify the case of Johnson'483 so the case includes a plurality of feet located on a bottom surface of the case and a plurality of feet locators position on a top surface of the case and each foot locator being shaped to nest within a respective foot to facilitate stacking and to prevent damage to the case during storage. It would have been obvious to one having ordinary skill in the art to modify the case of Johnson'483 as modified so each foot being shaped to nest within a respective foot locator since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 104 USPQ 400.

Response to Arguments

Applicant's arguments with respect to 5/29/2007 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
December 21, 2007

/Luan K. Bui/
Primary Examiner
Art Unit 3728